

REMARKS

Claims 1-3, 5-22 and 27 are pending in the present application. By this reply, claims 23-26 and 28-31 have been cancelled. Claims 1, 22 and 27 are independent. The Notice of Non-Compliant Amendment dated January 31, 2007 has indicated that claim 32 was not present in the Amendment dated November 2, 2006, which was filed with a Request for Continued Examination (RCE) filed on November 2, 2006. The present Amendment has corrected this oversight, and accordingly the Amendment is now deemed to be compliant.

The claims have been amended to clarify the invention and to improve form according to U.S. patent practice. Such modifications do not add new matter and are fully supported by the original disclosure, e.g., Figs. 3 and 4 and the corresponding discussion in the specification.

Rejection under 35 U.S.C. § 101

Claims 1-3 and 5-22 are rejected under 35 U.S.C. § 101 because the Examiner alleges the claimed invention is directed to non-statutory subject matter. To overcome this rejection, independent claim 1 (from which claims 2-3 and 5-21 depend) has been amended to recite “a memory *readable by a computer device...*” (emphasis added). MPEP §2106 states that a data structure embodied on a computer-readable medium is statutory subject matter. That is, a memory readable by a computer device and organized to contain a data structure, as recited in claim 1, is statutory subject matter. Accordingly, the rejection should be withdrawn.

Rejection under 35 U.C.S. § 112

Claims 22-26 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. While Applicant believes that the form of claims 22-26 is not improper, to expedite prosecution only, claim 22 has been rewritten to be independent, and claims 23-26 have been cancelled to overcome the rejection. Thus, the rejection is moot and should be withdrawn.

Rejection under 35 U.S.C. § 103

Claims 1-3 and 5-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over “PROGRAM AND SYSTEM INFORMATION PROTOCOL FOR TERRESTRIAL BROADCAST AND CABLE” (hereinafter referred to as Doc. A/65) in view of Ozkan et al. (WO 99/20049). This rejection, insofar as it pertains to the presently pending claims, is respectfully requested.

Without acquiescing to any of the Examiner’s allegations made in rejecting these claims, to expedite prosecution only, independent claims 1, 22, and 27 have been amended to include specific features that further distinguish the claimed invention from the combination of references.

Particularly, Doc. A/65 and Ozkan et al., taken individually or in combination thereof, fail to teach or suggest all the features of independent claims 1, 22, and 27. For example, the applied references fail to teach or suggest, *inter alia*, “an information type descriptor including an information type identification field that contains *a code specifying a data type of a logo graphic to be displayed on a display screen, the logo graphic being associated with a broadcaster or a source of an event in a DTV data stream*” (emphasis added), as recited in independent claims 1 and 22. Independent claim 27 recites similar features.

Doc. A/65 is directed to providing identification information specifying types of channels, tables, and services, but fails to teach or suggest a code specifying a data type of a logo graphic associated with a broadcaster or a source of an event in a DTV data stream, as recited in the independent claims. Similarly, Ozkan et al. is directed to displaying multimedia objects in area 435 and displaying data and text such as Email messages, sports results or stock quotes in area 439, but fails to teach or suggest a code specifying a data type of a logo graphic associated with a broadcaster or a source of an event in a DTV data stream, as recited in the independent claims.

Therefore, even if the references were combinable (which is not the case), assuming *arguendo*, the combination of references would still fail to teach or suggest the invention as recited in independent claims 1, 22 and 27. Accordingly, claims 1, 22 and 27 and their dependent claims (due to the dependency) are patentable over the applied references, and the rejection is improper and should be withdrawn.

CONCLUSION

For the foregoing reasons and in view of the above clarifying amendments, the Examiner is respectfully requested to reconsider and withdraw all of the objections and rejections of record, and to provide an early issuance of a Notice of Allowance.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 50-0911 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By

Mark R. Kresloff

Registration No.: 42,766

McKenna Long & Aldridge LLP

1900 K Street, N.W., Suite 900

Washington, D. C. 20006

Tel: (202) 496-7500

Fax: (202) 496-7756